

REMARKS

I. Status of Claims

Claims 25 and 26 were previously cancelled via a preliminary amendment dated March 8, 2006. Claims 1 to 22, 27 to 30, and 32 to 37 are cancelled without prejudice in response to the Restriction Requirement. Claim 23 has been amended. Support for the amendment to claim 23 can be found in the specification, for example in original claim 1 and in claim 23, as originally submitted and previously presented in the preliminary amendment dated March 8, 2006. New claims 38 to 64 have been added for consideration. Support for new claims 38 to 64 can be found in the specification, for example, on page 10, lines 7 to 17; page 12, lines 18 to 26; page 31, lines 1 to 5; and claims 1 to 23 and 31 to 37, as originally submitted and previously presented in the preliminary amendment dated March 8, 2006. Claims 23, 24, 31, and 38 to 64 are now pending. It is respectfully submitted that no new matter was added in this amendment.

II. Restriction Requirement

In the Office Action, the Examiner asserted that the present application contains claims which are directed to the following two distinct inventions and stated that restriction to one of the two inventions is required:

Group I: Claims 1 to 22, 27 to 30 and 32 to 37, drawn to a pharmaceutical composition and device for its administration; or

Group II: Claims 23, 24 and 31, drawn to a method of treating premature ejaculation.

In response, Applicants elect, without traverse, Group II (claims 23, 24 and 31), drawn to a method of treating premature ejaculation. Claims 1 to 22, 27 to 30 and 32 to 37 were related to the invention of Group I, and, therefore, were canceled as reading on the non-elected invention. It is respectfully submitted that pending claims 23, 24, 31 and 38 to 64 encompass and are readable on the elected invention.

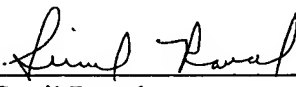
Conclusion

This Response is being submitted in response to the Office Action dated March 4, 2009 in the above-identified application. This Response to the March 4, 2009 Office Action is being filed before the one (1) month statutory period set forth therein, and this Response is being timely filed. It is believed that no fee is due at this time. If it is determined that any additional fee is due in connection with this filing, the Commissioner is authorized to charge said fees to Deposit Account No. 50-0552.

An early and favorable action on the merits is earnestly requested.

Respectfully submitted,

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